



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Sanoian, Joanne, of Law Offices of Joanne Sanoian (for Petitioner Delia Chacon)

## (1) First and Final Report of Conservator of the Person and Estate and (2) for Termination of Conservatorship and (3) for Delivery of Assets [Prob. C. 2631]

<b>DOD: 2/12/2013</b>		<p><b>DELIA CHACON</b>, mother and Conservator of the Person and Estate, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>On 1/17/1990, the Court ordered the Petitioner excused from filing an accounting until the conditions of Probate Code § 2628 are no longer met;</li> <li>The conditions of Probate Code § 2628 have been met throughout the conservatorship proceeding; Conservatee was a public assistance recipient until her death on 2/12/2013;</li> <li>The following actions represent the only ones taken during the period of conservatorship:               <ol style="list-style-type: none"> <li>(1) At the inception of the Conservatorship of the Estate on 9/8/1988, Petitioner received approval to purchase a single family residence in the joint names of herself and the Conservatee (please see Order [dated 9/8/1988] attached as Exhibit A);</li> <li>(2) An Inventory and Appraisal was filed 11/8/1988 reflecting an appraised value of the Conservatee's interest in the real property to be <b>\$18,000.00</b> (copy attached as Exhibit B);</li> <li>(3) On 1/17/1989, the Court entered its order excusing accountings pursuant to Probate Code § 2628 (copy attached as Exhibit C);</li> </ol> </li> </ul> <p><b>~Please see additional page~</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Paragraph 9 of the <i>First and Final Report</i> states an <i>Affidavit Re Real of Small Value</i> shall be executed by Petitioner at such time as 6 months have elapsed from the date of Conservatee's death; a copy of the executed <i>Affidavit</i> shall be submitted to the Court with a Declaration of Petitioner prior to the hearing. Court records do not show a copy of the executed <i>Affidavit</i> with a Declaration of Petitioner has been filed with the Court; however, Court records show Petitioner Delia Chacon filed the <i>Affidavit Re Real of Small Value</i> with the Court on 8/26/2013 in Case 13CEPR00002.</p> <p><b>Note:</b> <i>Creditor's Claim</i> was filed on 5/10/2013 by the Department of Health Services (DHS) in the amount of <b>\$27,124.43</b>. Paragraph 11 of the <i>First and Final Report</i> states the DHS has filed a <i>Request for Special Notice</i> in this proceeding, that Petitioner as sole heir of the estate of the Conservatee is preparing a Hardship Waiver application for submission to DHS, and that it is anticipated that Petitioner shall have a decision from DHS prior to the hearing in this matter. Petitioner has not provided information regarding the current status of said Hardship Waiver application, except to state in the proposed <i>Order Settling First and Final Report</i> that determination of the DHS acceptance of the Waiver has not yet been received. <i>Proof of Service by Mail</i> of the <i>Notice of Hearing</i> filed 8/15/2013 shows notice was served to the Department of Health Care Services pursuant to the <i>Request for Special Notice</i> filed 5/10/2013 on 8/14/2013. Court may wish to continue the matter pending receipt of DHS waiver determination, or strike the language in the proposed order regarding the unresolved DHS waiver.</p>
<b>Cont. from 081313</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
✓	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>		W /
	<b>Aff.Pub.</b>		
✓	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 11/12/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2 – Ramirez</b></p>

Petitioner states, continued:**Actions taken during the period of conservatorship, continued:**

- (4) On 4/5/1991, the Court entered an order authorizing the Conservator to compromise a claim of the Conservatee, who was involved in an automobile accident; pursuant to the Order (*copy attached as Exhibit D*), the Conservatee was authorized to purchase an automobile in the name of Petitioner, using **\$3,000.00** of the funds recovered, and to deposit the balance, after payment of expenses into a blocked account in the name of the Conservatorship; Petitioner purchased a 1986 Chevrolet Spectrum in her name alone and deposited **\$3,162.90** into a blocked account (*copy of Receipt and Agreement by Depository dated 5/10/1991 attached as Exhibit E*);
- (5) On 6/23/2003, the Court ordered withdrawal of funds from the blocked account [in the sum of **\$3,949.38** for funeral insurance policy (\$3,549.38) and approved attorney fees (\$400.00) (*copy attached as Exhibit F*);
- The only asset of the conservatorship estate is a ½ interest in a single family residence at 210 N. Fourth Street in Fresno, the appraised value of which at the date of Conservatee's death was **\$47,500.00** (*Reappraisal attached as Exhibit H*);
  - The Conservatee had no Will, no spouse nor children living or deceased; her only heir is her mother, the Petitioner;
  - An *Affidavit Re Real of Small Value* shall be executed by Petitioner at such time as 6 months have elapsed from the date of Conservatee's death; a copy of the executed *Affidavit* shall be submitted to the Court with a Declaration of Petitioner prior to the hearing;
  - Petitioner has provided extensive services to the conservatorship during this account period by paying bills of the Conservatee, collecting all assets due to the Conservatee, and taking care of Conservatee's physical and medical needs; Petitioner waives her right to compensation as Conservator.

**Petitioner prays for an order:**

1. Approving and settling the First and Final Report;
2. Approving and confirming all acts of the Petitioner as Conservator relating to the conservatorship; and
3. Authorizing and directing the Petitioner to deliver the property remaining in her possession to Delia Chacon, and that on delivering the property and filing proper receipts the Conservator of the person and estate be discharged.

<b>Geneva A. Clack</b>		<b>PHILIP WILLIAMS</b> , Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>DOD: 12-24-10</b>			
		<b>Petitioner states</b> the residential real property on Fine Ave., in Clovis is the only asset of the trust. Pursuant to the general authority granted in the trust, the trustee is authorized to sell the property.	1. On 12-7-12, Jennie Miller Redfern and John A. Clack, represented by Attorney Jennifer Walters, filed a petition to compel the trustee (Petitioner herein) to account, and specifically requested orders regarding the intent of the settlor to distribute the property that is the subject of this petition.
		On or about 9-18-13, Petitioner served Notice of Proposed Action on all trust beneficiaries setting forth the terms of sale of the property. On or about 9-20-13, Petitioner received an objection to the proposed action from Jennie Redfern, one of the trust beneficiaries. Petitioner has not received any response from beneficiary John A. Clack.	At Settlement Conference on 7-11-13, the parties reached resolution and a status hearing was set regarding the signed agreement.
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Pursuant to Probate Code § 16503(c), Petitioner petitions the Court to have the proposed action taken as stated in the Notice of Proposed Action, notwithstanding any further objections received from any other trust beneficiary, specifically: to sell the real property for \$152,000.00 to the buyers stated therein at the terms stated therein.	At the 8-29-13 status hearing, Ms. Burnside informed the Court that she received the signed agreement. Therefore, the matter was not continued for further hearing. However, no agreement was ever filed.
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		Therefore, need signed settlement agreement regarding the prior petition.
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		<b>Note to Judge:</b> Without the terms of the settlement agreement, it is unclear if this is an appropriate action.
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<input type="checkbox"/>			
		Reviewed by: skc	
		Reviewed on: 11-12-13	
		Updates:	
		Recommendation:	
		File 7 – Clack	

(1) First and Final Account and Petition for Settlement Thereof and (2) for Allowance of Statutory Attorney's Fees and (3) for Allowance of Statutory Executor's Fees and (4) for Reimbursement of Costs Advanced and (5) Final Distribution

<b>DOD: 1-2-13</b>		<p><b>MIYUKI LAPPEN</b>, Executor without bond, is Petitioner.</p> <p>Account period: 1-2-13 through 9-25-13</p> <p>Accounting: <i>Not provided</i> Beginning POH: \$332,464.14 Ending POH: \$349,399.62 (cash)</p> <p>Executor (Statutory): \$9,987.98</p> <p>Attorney(Statutory): \$9,987.98</p> <p>Costs: \$1,192.37 (filing, publication, certified letters, appraisal)</p> <p>Creditor's Claims: Petitioner requests authorization to pay the following two creditor's claims in settlement of the two creditor claims filed:</p> <ul style="list-style-type: none"> <li>\$4,656.78 to Central Valley Care, Inc., (Claim filed 6-20-13)</li> <li>\$5,414.26 to Miyuki Lappen (Executor, claim for funeral costs filed 5-13-13).</li> </ul> <p><b>Distribution pursuant to Decedent's will:</b></p> <p>Miyuki Lappen, Trustee of the Merika Motoyoshi Revocable Trust: \$318,160.25</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. The accounting is not in the form required by Probate Code §1060. Specifically, the summary does not contain totals, and no additional schedules are provided.</p> <p><u>Note:</u> If accounting is to be waived, need waiver from Ms. Lappen as trustee of the trust and schedules with required information pursuant to Cal. Rules of Court 7.550.</p> <p>2. Petitioner is also the trustee of the trust to whom the estate will be distributed. Therefore, notice to the beneficiaries is required pursuant to Probate Code §1208(b).</p> <p>3. Petitioner did not submit Allowance or Rejection of Creditor's Claim regarding the two claims pursuant to Probate Code §§ 9251, 9252. The Court may require the Mandatory Judicial Council Form DE-174 to be submitted for formal allowance. (Form include proof of mailing to creditor.)</p> <p>4. Need clarification: I&amp;A lists various securities. Petitioner states the property on hand is \$349,399.62 cash; however, Petitioner does not include a statement as to changes in form of assets.</p> <p>5. Need trustee's declaration pursuant to Local Rule 7.12.5.</p>	
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
✓	<b>Inventory</b>			
✓	<b>PTC</b>			
✓	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>			w
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
✓	<b>Letters</b>			3-29-13
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
✓	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
✓	<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 11-12-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 8 – Motoyoshi</b></p>		